



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JLP:ddj
Docket No: 1712-02
22 January 2003

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 January 2003. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by NPC memorandum 1780 PERS-604 9 May 2002, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1780
PERS-604
9 May 02

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
[REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 11 Apr 02
(b) Title 38, United States Code, Chapter 32
(c) Title 38, United States Code, Chapter 30

1. The following is provided in response to reference (a).

a. A review of [REDACTED]'s record indicates he served in the United States Marine Corps (USMC) from 25 September 1981 through 3 December 1981. [REDACTED] enrolled in the Veterans Educational Assistance Program (VEAP) and contributed \$50 to his VEAP account. A record of CPL Merchant's VEAP account reflects a balance of \$50. [REDACTED] was discharged from the USMC for "Marine Corps Recruit Failure Program" after serving 69 days of active duty. He did not complete boot camp. Per reference (b), to be eligible for VEAP, members could not be eligible for educational assistance under the Vietnam Era GI Bill Program, and must have entered military service on or after 1 January 1977 and before 1 July 1985, served on active duty for a period of more than 180 days commencing after 1 January 1977 and be discharged or released under conditions other than dishonorable. [REDACTED] would not be eligible for VEAP benefits because he only served 69 days. Since [REDACTED] did not complete boot camp, that period of time could be considered "active duty for training."

b. Eligibility for federal education benefit programs is determined by the member's initial entrance onto active duty other than for training. When [REDACTED] entered the Navy on 3 April 1990, this was considered his initial entry onto active duty other than for training. Per reference (c), [REDACTED] was afforded the opportunity to elect or decline enrollment in the Montgomery GI Bill (MGIB) Program and he elected enrollment on 5 April 1990. CPL Merchant contributed the required \$1,200 through payroll deductions. When he was released from active duty Navy on 28 March 1994 with an Honorable Character of Service, [REDACTED] established eligibility to his MGIB Program benefits. Since [REDACTED] subsequently re-entered active duty

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[REDACTED]

with the Army, he has 10 years from the date of his last discharge or release from active duty to use his 36 months of MGIB Program benefits.

c. If [REDACTED] had been erroneously enrolled by Navy in the MGIB Program, we would recommend a refund of the \$1,200 contributed; however, his enrollment was not in error. Additionally, without enrollment in the MGIB Program, [REDACTED] would have no education benefits. His MGIB Program eligibility information is on file at the Defense Manpower Data Center, and CPL [REDACTED] may use his benefits by applying with the Department of Veterans Affairs.

2. PERS-604's point of contact is [REDACTED] who can be reached at (DSN) 882-4260 or (C) 901-874-4260.

[REDACTED]
Head, Federal Education Programs
Branch (PERS-604)